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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,162	04/08/2004	David B. Sutton	PRIV 0104 PUS	9189
22045	7590	08/28/2007		
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,162

Applicant(s)

SUTTON ET AL.

Examiner

Jennifer Liversedge

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 45-77 is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 10/821,162 filed on July 12, 2007.

The amendment contains new claims: 45-77.

Claims 1-44 have been canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 45-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,010,512 B1 to Gillin et al. (further referred to as Gillin), and further in view of US Patent 6,282,522 B1 to Davis et al. (further referred to as Davis).

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Regarding claims 45-54, 57-66 and 69-75, Gillin discloses a method of making a purchase using a prepaid account (columns 4-26), comprising:

A person seeking to obtain a prepaid account accessing, via a computer network, an intermediary application of a purchase intermediary (Figure 1; column 5, lines 58-64; column 7, lines 13-15; column 17, lines 8-30);

Requesting a prepaid account from the purchase intermediary, including selecting an account value and electronically transferring funds to the purchase intermediary to fund the account value and pay a service fee (column 17, line 8 – column 18, line 67);

The purchase intermediary establishing an intermediary account for the person, the intermediary account being associated with a credit card provider (Figure 2, column 8, line 54 – column 9, line 44; column 12, lines 57-64; column 21, lines 54-67);

Electronically transferring to the person via the computer network intermediary account information including an account number (column 7, lines 18-22; column 19, lines 34-41), non-personalized contact information (column 8, lines 54-67; column 12, lines 57-64; column 19, lines 41-46; column 21, lines 2-17), and an expiration date (column 19, lines 34-41) wherein the purchase intermediary does not issue a physical card associated with the intermediary account (column 5, lines 9-52; column 21, lines 33-40);

The person having established an intermediary account may transact a purchase with a retailer over the internet using the intermediary account information to pay for the

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purchase with the purchase being cleared through the credit card provider (column 5, lines 59-64; column 9, lines 5-35; column 21, lines 33-67).

Gillin does not disclose wherein use of the intermediary account to pay for the purchase enables the person to maintain anonymity from the retailer. However, Davis discloses maintaining anonymity (column 7, lines 42-45). It would be obvious to one of ordinary skill in the art to modify the use of a prepaid account for making purchases as disclosed by Gillin to adapt the use of anonymity as disclosed by Davis. The motivation would be that transaction instruments such as prepaid smart cards are advantageous in that they generally offer an anonymous transaction similar to cash. Thus, providing the same feature in a virtual type smart card would be obvious to one of ordinary skill in the art in order to maintain the same level of discretion in allowing transacting partners to identify the consumer.

Regarding claims 55-56, 67-68 and 76-77, Gillin discloses wherein the intermediary account enables the person to transact one or more purchases up to a balance associated with the intermediary account (column 7, lines 18-21; column 21, lines 2-5; column 26, lines 16-25), wherein the retailer verifies that prices associated with the one or more purchases do not exceed the balance associated with the account (column 7, lines 30-34; column 9, lines 26-35; column 21, lines 54-67; column 26, lines 16-25).

Response to Arguments

Applicant's arguments with respect to claims 45-77 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

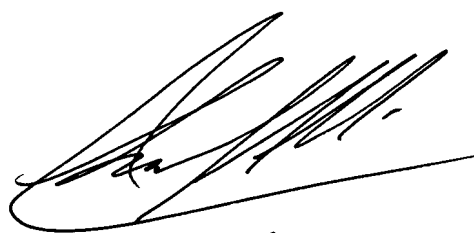
you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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